UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26349
24 August 1993

ORIGINAL: ENGLISH

LETTER DATED 24 AUGUST 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF CROATIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to submit herewith a letter dated 23 August 1993 from H.E. Mr. Mate Granić, Minister for Foreign Affairs of Croatia, addressed to you.

I would be grateful if you would provide for the distribution of this letter and its annex as a document of the Security Council.

(Signed) Vladimir DROBNJAK
Chargé d'affaires a.i.

Annex

Letter dated 23 August 1993 from the Minister for Foreign Affairs of Croatia addressed to the President of the Security Council

In view of the forthcoming consideration by the Security Council of the situation arising from the dissolution of the former Socialist Federal Republic of Yugoslavia and the question of the legal position of one of the successor States, provisionally known as the Federal Republic of Yugoslavia (Serbia and Montenegro), within the Organization, as stipulated in Security Council resolution 821 (1993), my Government wishes to raise several issues.

The relevant organs of the United Nations have stated on several occasions (Security Council resolutions 757 (1992), 777 (1992), 821 (1993); General Assembly resolutions 47/1 and 47/229) that none of the successor States can automatically succeed to the membership of the former Socialist Federal Republic of Yugoslavia, namely the so-called Federal Republic of Yugoslavia (Serbia and Montenegro), which "should apply for membership in the United Nations" and "shall not participate in the work of the General Assembly". Subsequently, many other international organizations have similarly terminated or suspended the membership of that State, including the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the Economic and Social Council, the Conference on Security and Cooperation in Europe (CSCE) and the Movement of Non-Aligned Countries.

Furthermore, it should be emphasized that the new State has not been automatically accepted as a party to many international treaties, since the depositaries consider it as just one of the successor States of the former Socialist Federal Republic of Yugoslavia (the position taken by the depositaries of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons in May 1993), along with Bosnia and Herzegovina, Croatia, Macedonia and Slovenia. As a result of the dissolution of the former State, the country known as the Federal Republic of Yugoslavia (Serbia and Montenegro) will have to deposit an instrument of succession to all of the international treaties it wishes to continue to be a party to.

My country wishes to state that the continuation of the use of the name "Yugoslavia" by the country now known as the Federal Republic of Yugoslavia (Serbia and Montenegro) in the United Nations cannot and does not imply that the new State represents a continuation of the existence of the predecessor State (Socialist Federal Republic of Yugoslavia) with regard to the territory it now comprises.

A resolution of the position of that State in the United Nations is a prerequisite for a final solution to the problem. The insistence of the Belgrade authorities, directed towards the international community, on having their claim for an automatic succession to the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations recognized, is motivated by several indisputable benefits that this State would derive from such a decision.

Belgrade's aspiration to inherit all of the common property belonging to the former Federation has been documented on several occasions (document S/26038 is but the most recent example). In this context I would like to stress the importance my Government is attaching to opinions 11, 12 and 13 of the Arbitration Commission regarding the succession, issued on 16 July 1993 (S/26233).

The most serious drawback that may arise from the continuation of Belgrade's membership in the United Nations, however, is that this new State would then not have to demonstrate its adherence to the high principles contained in the Charter of the United Nations in order to be admitted to the membership of the United Nations.

My Government firmly believes that the name-plate "Yugoslavia" ought to be removed from the General Assembly Hall, since there are no valid legal reasons for it to be present in that august chamber. The delegation representing the Belgrade authorities in the United Nations should not be allowed to circulate documents under the General Assembly heading since Security Council resolution 777 (1992) denies them participation in the work of the General Assembly. The blue, white and red flag with the communist red star in the centre, still flying on the United Nations mast, yet not recognized even by the Belgrade regime, has to be removed. It is the firm belief of my Government that no representative of the country known as the Federal Republic of Yugoslavia (Serbia and Montenegro) should be allowed to address the Council at its formal sessions. The present situation, whereby the Council invites "Ambassador Djokić" to take part in the discussion, while acting in accordance with neither rule 37 nor rule 39 of the Council's provisional rules of procedure, is unacceptable and in our view procedurally incorrect.

Proper actions of the international community, as represented by the members of the Security Council, would send a strong message to the Belgrade regime and strengthen the authority of the United Nations.

(Signed) Mate GRANIĆ
Minister for Foreign Affairs